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Attorney for Plaintiff
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4

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 BRENDA SANCHEZ COSSIO,

No. 1:22-cv-03100

8 Plaintiff,

9 vs.

DECLARATION OF ALYSON
DIMMITT GNAM IN SUPPORT
OF PLAINTIFF'S MOTION TO
STAY PENDING COMPLETION
OF EEOC'S ADMINISTRATIVE
PROCEEDING

10 MONSON FRUIT CO., LLC,

11 Defendant.
12

13 I, Alyson Dimmitt Gnam, declare under penalty of perjury under the laws of
14 the state of Washington that the following statements are true and correct, that I am
15 over eighteen years of age, and that I am competent to testify to the following from
16 personal knowledge:

- 17 1. I am an attorney representing Plaintiff Brenda Sanchez Cossio ("Plaintiff
18 Cossio") in *Brenda Sanchez Cossio v. Monson Fruit Co., LLC* and in her
19 underlying charge with the Equal Employment Opportunity Commission
20 ("EEOC").
21

2. Plaintiff Sanchez timely filed a charge with EEOC alleging Defendant Monson Fruit subjected her to sexual harassment, retaliation, and failure to accommodate her pregnancy. Her charge was perfected on July 31, 2020.
3. Attached as Exhibit A is a true and accurate copy of Plaintiff Sanchez's perfected EEOC charge, No. 551-2020-02759, dated July 31, 2020.
4. During the EEOC's investigation, Plaintiff Sanchez received copies of Defendant Monson Fruit's responses to her EEOC charge (known as "Position Statements") dated September 16, 2020, and March 22, 2021.
5. At the conclusion of the EEOC's investigation, the agency issued a determination of reasonable cause to believe that Defendant Monson Fruit violated Title VII of the Civil Rights Act of 1964, as amended, by subjecting Brenda Sanchez to a hostile work environment, retaliating against her by denying her pregnancy accommodations and firing her husband, and constructively discharging her.
6. Attached as Exhibit B is a true and accurate copy of the EEOC's Determination issued on May 2, 2022.
7. Following the EEOC's determination of reasonable cause, Plaintiff Sanchez engaged in good faith in the EEOC conciliation process.
8. During conciliation negotiations, Plaintiff Sanchez advised Defendant of her need to file her WLAD claims and invited Defendant to enter an agreement

1 to toll her WLAD statute of limitations to avoid litigation while the
2 conciliation negotiations were ongoing. Defendant Monson Fruit declined
3 the invitation to enter a tolling agreement.

4 9. The EEOC's efforts to reach a resolution through conciliation failed, and on
5 July 22, 2022, the agency issued a notice advising that it is currently
6 "reviewing the case for possible litigation."

7 10. Attached as Exhibit C is a true and accurate copy of the EEOC's notice of
8 conciliation failure and that the agency is reviewing the case for possible
9 litigation, issued on July 27, 2022.

10 11. Because the administrative proceeding is still ongoing, the EEOC has not
11 issued a right to sue notice to Plaintiff Sanchez.

12 12. On August 3, 2022, Plaintiff Sanchez filed a complaint in this Court
13 alleging violations of Title VII of the Civil Rights Act of 1964, as amended
14 by the Civil Rights Act of 1991, 42 U.S.C. § 2000(e), et seq. ("Title VII"),
15 the Washington Law Against Discrimination, Wash. Rev. Code § 49.60
16 ("WLAD"), and Washington's Healthy Starts Act, Wash. Rev. Code §
17 43.10.005. *See* Complaint, ECF No. 1.

18 13. Plaintiff Sanchez filed her suit while the EEOC's administrative proceeding
19 is still pending in order to protect her WLAD sexual harassment claims from
20 the running of the applicable three-year statute of limitations.

1 14. Should the EEOC determine it will pursue litigation of Plaintiff Sanchez's
2 charge and file a civil action in this Court, Plaintiff Sanchez intends to move
3 to intervene and seek consolidation of this matter with the EEOC lawsuit to
4 avoid redundant litigation of the same facts of discrimination. Should the
5 EEOC decline to litigate this matter, Plaintiff Sanchez will amend her
6 complaint upon receipt of a right to sue notice to so indicate.
7

8 Dated this 10th day of August, 2022.
9

10 By: /s Alyson Dimmitt Gnam
11 Alyson Dimmitt Gnam WSBA #48143
12 *Attorney for Plaintiff*
13 **Northwest Justice Project**
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 10, 2022, I electronically filed the foregoing with
3 the Clerk of the Court using the CM/ECF System, which in turn automatically
4 generated a Notice of Electronic Filing (NEF) to all parties in the case who are
5 registered users of the CM/ECF system. The NEF for the foregoing specifically
6 identifies recipients of electronic notice.

7
8 I hereby certify that I have mailed by United States Postal Service the document to
9 the following non-CM/ECF participants:

10 Monson Fruit Co., LLC
11 c/o Brendan Monahan
12 Stokes Lawrence Velikanje Moore & Shore
120 N. Naches Avenue
Yakima, WA 98901-2757

13
14 By: /s Aline Cantu
Aline Cantu
15 *Legal Assistant to Attorney for Plaintiff*
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